IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4835 OF 2006

Union of India through General Manager,
C. Rly, Mumbai CST and anr. ...
Petitioners

Versus

Manohar Shankar Joshi ...Respondents

Mr. T.J. Pandian for the petitioners.
None for the respondents.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: OCTOBER 04, 2006.

P.C.

We have heard the learned counsel for the petitioners.

2. We find no infirmity in the order of the Tribunal. We observe that no notice had been given to the respondent and the gratuity amount of Rs. 66,000/- had been withheld by a mere executive order. We also observe that the respondent has since retired from the services of the petitioners. We are thus not inclined to interfere in the proceedings. Petition is accordingly dismissed.

3. It has been pointed out by the learned counsel for the petitioners that contempt proceedings have been initiated against the officials of the Department for non-payment of the gratuity amount of Rs. 66,000/- to the respondent. We direct that if the payment is made to the respondent within a period of six weeks from the date of receipt of this order, no further action will be taken in the contempt proceedings.

CHIEF JUSTICE

V.M. KANADE, J.